

Council Member _____ introduced the following Resolution entitled "A RESOLUTION APPROVING AND AUTHORIZING A FORM OF INTERIM LOAN AND DISBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS, AND THE IOWA FINANCE AUTHORITY, AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF A \$323,000 SEWER REVENUE CAPITAL LOAN NOTE ANTICIPATION PROJECT NOTE, SERIES 2009, OF THE CITY OF COUNCIL BLUFFS, IOWA, UNDER THE PROVISIONS OF THE CODE OF IOWA, AND PROVIDING FOR A METHOD OF PAYMENT OF SAID NOTE", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was:

AYES: _____

NAYS: _____

Whereupon the Mayor declared the following Resolution duly adopted:

Resolution No. _____

A RESOLUTION APPROVING AND AUTHORIZING A FORM OF INTERIM LOAN AND DISBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS, AND THE IOWA FINANCE AUTHORITY, AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF A \$323,000 SEWER REVENUE CAPITAL LOAN NOTE ANTICIPATION PROJECT NOTE, SERIES 2009, OF THE CITY OF COUNCIL BLUFFS, IOWA, UNDER THE PROVISIONS OF THE CODE OF IOWA, AND PROVIDING FOR A METHOD OF PAYMENT OF SAID NOTE

WHEREAS, Issuer proposes to issue its Sewer Revenue Capital Loan Note Anticipation Project Note, Series 2009, to the extent of \$323,000, for the purpose of defraying the costs of the Project; and, it is deemed necessary and advisable and in the

best interests of the City that a form of Interim Loan and Disbursement Agreement by and between the City, and the Iowa Finance Authority, be approved and authorized; and

WHEREAS, the notice of intention of Issuer to take action for the issuance of not to exceed \$5,500,000 Sewer Revenue Capital Loan Notes, has heretofore been duly published and no objections to such proposed action have been filed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IN THE COUNTY OF POTTAWATTAMIE, STATE OF IOWA:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:

◆ "Acquired" shall mean acquisition by purchase, construction or by any other method;

◆ "Additional Project Notes" shall mean any project notes or other obligations issued on a parity with the Note in accordance with the provisions of Section 11 hereof;

◆ "Agreement" shall mean an Interim Loan and Disbursement Agreement dated as of the Closing between and among the City, and the Original Purchaser, relating to the Interim Loan made to the City under the Program;

◆ "City" or "Issuer" shall mean the City of Council Bluffs, Iowa;

◆ "City Clerk" shall mean the City Clerk or such other officer of the successor Governing Body as shall be charged with substantially the same duties and responsibilities;

◆ "Closing" shall mean the date of delivery of the Note to the Original Purchaser and the funding of the Interim Loan;

◆ "Corporate Seal" shall mean the official seal of the Issuer adopted by the Governing Body;

◆ "Department" shall mean the Iowa Department of Natural Resources;

◆ "Financial Officer" shall mean the Finance Director of the City or such other officers as the governing body may from time to time designate;

◆ "Fiscal Year" shall mean the twelve months' period beginning on July 1 of each year and ending on the last day of June of the following year, or any other consecutive twelve-month period adopted by the Governing Body or by law as the official accounting period of the System; provided, that the requirements of a fiscal year as expressed in this Resolution shall exclude any payment of principal or interest falling due on the first day of the fiscal year and include any payment of principal or interest falling due on the first day of the succeeding fiscal year;

◆ "Governing Body" shall mean the Council of the City, or its successor in function with respect to the operation and control of the System;

◆ "Interim Loan" shall mean the principal amount allocated by the Department to the City under the Program, equal in amount to the principal amount of the Note;

◆ "Issuer" and "City" shall mean the City of Council Bluffs, Iowa;

◆ "Note" shall mean the \$323,000 Sewer Revenue Capital Loan Note Anticipation Project Note, Series 2009, authorized to be issued by this Resolution;

◆ "Original Purchaser" shall mean the Iowa Finance Authority, as the purchaser of the Note from Issuer at the time of their original issuance;

◆ "Paying Agent" shall be the Finance Director, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Notes as the same shall become due;

◆ "Permitted Investments" shall mean:

- direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America;

- cash (insured at all times by the Federal Deposit Insurance Corporation or otherwise collateralized with obligations described in the above paragraph);

- obligations of any of the following federal agencies which obligations represent full faith and credit of the United States of America, including:

- Export - Import Bank
- Farm Credit System Financial Assistance Corporation
- USDA - Rural Development
- General Services Administration
- U.S. Maritime Administration
- Small Business Administration
- Government National Mortgage Association (GNMA)
- U.S. Department of Housing & Urban Development (PHA's)
- Federal Housing Administration

- repurchase agreements whose underlying collateral consists of the investments set out above if the Issuer takes delivery of the collateral either directly or through an authorized custodian. Repurchase agreements do not include reverse repurchase agreements;

- senior debt obligations rated "AAA" by Standard & Poor's Corporation (S&P) or "Aaa" by Moody's Investors Service Inc. (Moody's) issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;

- U.S. dollar denominated deposit accounts, federal funds and banker's acceptances with domestic commercial banks which have a rating on their short-term certificates of deposit on the date of purchase of "A-1" or "A-1+" by S&P or "P-1" by Moody's and maturing no more than 360 days after the date of purchase (ratings on holding companies are not considered as the rating of the bank);

- commercial paper which is rated at the time of purchase in the single highest classification, "A-1+" by S&P or "P-1" by Moody's and which matures not more than 270 days after the date of purchase;

- investments in a money market fund rated "AAAm" or "AAAm-G" or better by S&P;

- pre-refunded Municipal Obligations, defined as any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local governmental unit of any such state which are not callable at the option of the obligor prior to maturity or as to which irrevocable instructions have been given by the obligor to call on the date specified in the notice; and (a) which are rated, based on an irrevocable escrow account or fund (the "escrow"), in the highest rating category of S&P or Moody's or any successors thereto; or (b)(i) which are fully secured as to principal and interest and redemption premium, if any, by an escrow consisting only of cash or direct obligations of the Department of the Treasury of the United States of America, which escrow may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; and (ii) which escrow is sufficient, as verified by a nationally recognized independent certified public accountant, to pay principal of and interest and redemption premium, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates specified in the irrevocable instructions referred to above, as appropriate;

- tax exempt bonds as defined and permitted by section 148 of the Internal Revenue Code and applicable regulations and only if rated within the two highest classifications as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A Code of Iowa;

- an investment contract rated within the two highest classifications as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A Code of Iowa; and

- Iowa Public Agency Investment Trust.

◆ "Program" shall mean the Iowa Sewage Treatment Works State Revolving Fund Program undertaken jointly by the Original Purchaser and the Department;

◆ "Project" shall mean the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping of the System;

◆ "Project Costs" shall mean all engineering fees, archeological surveys, environmental studies, and fees related to a project plan preparation and submission, and other expenses incidental thereto, and also including the costs of issuance of the Note;

◆ "Project Fund" shall mean the Project Fund established by Section 6 of this Resolution;

◆ "Registrar" shall be the Finance Director, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Note. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Note;

◆ "Resolution" shall mean this Resolution of the City;

◆ "System" shall mean the Municipal Sewer Utility of the Issuer and all properties of every nature hereinafter owned by the Issuer comprising part of or used as a part of the System, including all wastewater treatment facilities, sanitary sewers, force mains, pumping stations and all related property and improvements and extensions made by Issuer while the Note remains outstanding; all real and personal property; and all appurtenances, contracts, leases, franchises and other intangibles;

◆ "Treasurer" shall mean the Finance Director or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Note issued hereunder.

Section 2. Authority. The Agreement and the Note authorized by this Resolution shall be issued pursuant to Sections 76.13 and 384.24A of the Code of Iowa, and in compliance with all applicable provisions of the Constitution and laws of the State of Iowa. The Agreement shall be substantially in the form attached to this Resolution and is authorized to be executed and issued on behalf of the Issuer by the Mayor and attested by the City Clerk.

Section 3. Note Details, Execution, Redemption and Registration.

- a. Note Details. The Note shall be designated a Sewer Revenue Capital Loan Note Anticipation Project Note, Series 2009, be dated the date of delivery, and shall at the request of the Original Purchaser be initially issued as a single Note in the denomination of \$323,000 and numbered R-1. The Note shall not bear interest, zero percent (0%) per annum. The Note shall mature three years from issuance. The City Council hereby finds and determines that it is necessary and advisable to issue said Note pursuant to Sections 76.13 and 384.24A of the Code of Iowa, as authorized by the Agreement and this Resolution.
- b. Execution. The Note shall be executed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the Clerk, and impressed or imprinted with the seal of the City and shall be fully registered as to both principal and interest as provided in this Resolution; principal, interest and premium, if any, shall be payable at the office of the Paying Agent by mailing of a check, wire transfer or automated clearing house system transfer to the registered owner of the Note.
- c. Redemption. The Note may be called for redemption by the Issuer and paid before maturity on any date, from any funds regardless of source, in whole or from time to time in part, in order of maturity and within an annual maturity by lot.

Thirty (30) days notice of redemption shall be given by certified or registered mail to the Original Purchaser (or any other registered owner of the Note). The terms of redemption shall be par, plus accrued interest to date of call. Failure to give such notice by mail to any registered owner or any defect therein shall not affect the validity of any proceedings for the redemption of the Note. The Note is also subject to mandatory redemption as set forth in Section 5 of the Agreement.
- d. Registration. The Note may be registered as to principal and interest on the books of the Note Registrar in the name of the holder and such registration noted on the Note after which no transfer shall be valid until the making of an entry upon the books kept for the registration and transfer of ownership of the Note, and in no other way. The Finance Director is hereby appointed as Note Registrar under the terms of this Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the

Note for the payment of principal of and interest on the Note as provided in this Resolution. The Note shall be negotiable as provided in Article 8 of the Uniform Commercial Code subject to the provisions for registration and transfer contained in the Note and in this Resolution.

The ownership of any Note may be transferred only upon the Registration Books kept for the registration and transfer of the Note and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Note (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Note, a new fully registered Note, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmatured and unredeemed principal amount of such transferred fully registered Note, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.

In all cases of the transfer of the Note, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Note, in accordance with the provisions of this Resolution.

As to any Note, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Note and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note, including the interest thereon, to the extent of the sum or sums so paid.

A Note which has been redeemed shall not be reissued but shall be cancelled by the Registrar. A Note which is cancelled by the Registrar shall be destroyed and a Certificate of the destruction thereof shall be furnished

promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the cancelled Note to the Issuer.

In the event any payment check representing payment of principal of or interest on the Note is returned to the Paying Agent or if any note is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal of or interest on Note shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Note shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Note. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent, shall surrender any remaining funds so held to the Issuer, whereupon any claim under this Resolution by the Owners of such interest or Notes of whatever nature shall be made upon the Issuer.

Section 4. Form of Note. The form of Note shall be substantially as follows:

REGISTERED
Certificate No. R-1

REGISTERED
Principal Amount \$323,000

UNITED STATES OF AMERICA
STATE OF IOWA
COUNTY OF POTTAWATTAMIE
CITY OF COUNCIL BLUFFS
SEWER REVENUE CAPITAL LOAN NOTE
ANTICIPATION PROJECT NOTE
SERIES 2009

Interest Rate
0%

Maturity Date

Note Date

The City of Council Bluffs, Iowa, a municipal corporation organized and existing under and by virtue of the Constitution and laws of the State of Iowa (the "Issuer"), for value received, promises to pay from the source and as hereinafter provided, to

IOWA FINANCE AUTHORITY

or registered assigns, the principal sum of (principal amount written out) in lawful money of the United States of America, at maturity on _____, 2012, with interest on said sum from the date of each advancement made under a certain Interim Loan and Disbursement Agreement dated as of the date hereof until paid at the rate of Zero Percent (0%) per annum. Payment of this Note shall at all times conform to the rules of the Iowa Sewage Treatment Works State Revolving Fund Program. Issuer pledges the Project Fund to which there has been appropriated the anticipated receipts of certain funds held or to be received by the Issuer as well as the proceeds of certain Capital Loan Notes to be issued.

This Note is payable solely from said Fund.

This Note in the principal amount of \$323,000, is issued pursuant to an Interim Loan and Disbursement Agreement and the Resolution, duly adopted and under and in substantial compliance with the Constitution and statutes of the State of Iowa, including specifically Sections 76.13 and 384.24A of the Code of Iowa, as amended, for the purpose of defraying part of the cost of acquiring the Project. For a complete statement of the funds from which, and the conditions, under which this Note is payable, and the general covenants and provisions pursuant to which this Note is issued, reference is made

to the above described Resolution and Interim Loan and Disbursement Agreement. This Note is not payable in any manner by taxation.

The Note may be called for redemption by the Issuer and paid before maturity on any date, from any funds regardless of source, in whole or from time to time in part, in order of maturity and within an annual maturity by lot.

Thirty (30) days' notice of redemption shall be given by certified or registered mail to the Original Purchaser (or any other registered owner of the Note). The terms of redemption shall be par, plus accrued interest to date of call. Failure to give such notice by mail to any registered owner or any defect therein shall not affect the validity of any proceedings for the redemption of the Note. The Note is also subject to mandatory redemption as set forth in Section 5 of the Agreement.

If selection by lot within the maturity is required, the Registrar shall designate the notes to be redeemed by random selection of the names of the registered owners of the entire annual maturity until the total amount of notes to be called has been reached.

The Note may be registered as to principal and interest on the books of the Finance Director in the name of the holder after which no transfer shall be valid until the making of an entry upon the books kept for the registration and transfer of ownership of the Note, and in no other way. Registrar shall maintain the books of the Issuer for the registration of ownership of the Note for the payment of principal of and interest on the Note as provided in the Resolution.

Ownership of this Note may be transferred only by transfer upon the books kept for such purpose by the Finance Director, Council Bluffs, Iowa, the Registrar. Such transfer on the books shall occur only upon presentation and surrender of this Note at the office of the Registrar, together with an assignment duly executed by the owner hereof or his duly authorized attorney in the form as shall be satisfactory to the Registrar. Issuer reserves the right to substitute the Registrar and Paying Agent but shall, however, promptly give notice to registered Noteholders of such change. The Note shall be negotiable as provided in Article 8 of the Uniform Commercial Code and subject to the provisions for registration and transfer contained in the Note Resolution.

And it is hereby represented and certified that all acts, conditions and things requisite, according to the laws and Constitution of the State of Iowa, to exist, to be had, to be done, or to be performed precedent to the lawful issue of this Note, have been existent, had, done and performed as required by law.

IN TESTIMONY WHEREOF, said City by its City Council has caused this Note to be signed by the manual signature of its Mayor and attested by the manual signature of its City Clerk, with the seal of said City impressed hereon, and authenticated by the manual signature of an authorized representative of the Registrar, the Finance Director of Council Bluffs, Iowa, all as of the _____ day of _____, 2009.

CITY OF COUNCIL BLUFFS, IOWA

ATTEST:

By: _____
City Clerk

By: _____
Mayor

(SEAL)

Date of Authentication: _____

This is one of the Notes described in the within mentioned Resolution, as registered by the Finance Director.

FINANCE DIRECTOR

By: _____
Registrar

Registrar and Transfer Agent: Finance Director

Paying Agent: Finance Director

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ (Social Security or Tax Identification No. _____) the within Note and does hereby irrevocably constitute and appoint _____ attorney in fact to transfer the said Note on the books kept for registration of the within Note, with full power of substitution in the premises.

Dated: _____

(Person(s) executing this Assignment sign(s) here)

SIGNATURE)
GUARANTEED) _____

IMPORTANT - READ CAREFULLY

The signature(s) to this Power must correspond with the name(s) as written upon the face of the Certificate(s) or Note(s) in every particular without alteration or enlargement or any change whatever. Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signature to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.

INFORMATION REQUIRED FOR REGISTRATION OF TRANSFER

Name of Transferee(s) _____

Address of Transferee(s) _____

Social Security or Tax

Identification Number of

Transferee(s) _____

Transferee is a(n):

Individual* _____ Corporation _____

Partnership _____ Trust _____

*If the Note is to be registered in the names of multiple individual owners, the names of all such owners and one address and social security number must be provided.

After completion of the Project, any moneys remaining in the Project Fund shall be held for the retirement of Note. When the Note is paid or payment is provided for, remaining moneys in the Project Fund may be withdrawn and used for any lawful purpose.

Section 8. Investments. Moneys in the Project Fund shall at all times be invested, to the extent practicable in Permitted Investments maturing at such times and in such amounts as will make cash available for the purposes of such Fund as needed.

Section 9. Covenants with Noteholders. Issuer covenants and agrees, so long as any Notes herein authorized remain unpaid, that it:

- a. Will proceed to complete with all practicable dispatch the construction and acquisition of the Project;
- b. Will not make or cause or permit to be made any application of the proceeds of the Note or of any moneys held in the Project Fund, except in accordance with the provisions of this Resolution;
- c. Will from time to time increase the amount of the appropriations to the Project Fund, to the extent necessary to assure that the expected receipts thereafter forthcoming, together with the Funds appropriated and held in trust for the purpose will be sufficient to pay when due the Note as to both principal and interest.
- d. Will obtain the collection of funds and the proceeds of the sale of bonds anticipated to be received in the Project Fund and, if not paid from other sources, apply the same to the payment of the Note and interest thereon; and
- e. For the prompt and full performance of the terms and provisions of this Resolution and contract with the noteholders, the Issuer pledges its full faith and diligence and the exercise of its lawful powers.

Section 10. Contract Between Issuer and Purchaser. This Resolution constitutes a contract between the Issuer and the purchaser of the Note.

Section 11. Additional Notes. The Issuer may issue Additional Project Notes of equal standing and parity of lien with the Note for the purpose of paying Project Costs to the extent that funds appropriated to the Project Fund are adequate to pay all notes so issued and interest thereon.

The holder or holders of the notes shall have all other rights and remedies given by law for the payment and enforcement of the notes and the security therefor.

Section 12. Severability Clause. If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

Section 13. Repeal of Conflicting Resolutions or Ordinances. That all ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 14. Paragraph Headings. The paragraph headings in this Resolution are furnished for convenience of reference only and shall be considered to be a part of this Resolution.

Section 15. Rule of Construction. This Resolution and the terms and conditions of the Notes authorized hereby shall be construed whenever possible so as not to conflict with the terms and conditions of the Interim Loan and Disbursement Agreement. In the event such construction is not possible, or in the event of any conflict or inconsistency between the terms hereof and those of the Interim Loan and Disbursement Agreement, the terms of the Interim Loan and Disbursement Agreement shall prevail and be given effect to the extent necessary to resolve any such conflict or inconsistency.

PASSED AND APPROVED this 11th day of May, 2009.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the City Council, and the same is a true and complete copy of the action taken by said City Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the City Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the City Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the City Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no City Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this
day of _____, 2009.

City Clerk, Council Bluffs, Iowa

SEAL

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$5,500,000 SEWER REVENUE CAPITAL LOAN NOTES", and moved:



that the Resolution be adopted.



to ADJOURN and defer action on the Resolution and the proposal to institute proceedings to the meeting to be held at _____ o'clock _____ M. on the _____ day of _____, 2009, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE AUTHORIZATION OF
A LOAN AND DISBURSEMENT AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$5,500,000
SEWER REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority of not to exceed \$5,500,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$5,500,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

PASSED AND APPROVED this 11th day of May, 2009.

Mayor

ATTEST:

City Clerk

RESOLUTION 09-149

A Resolution authorizing and accepting the successful bid for the issuance of General Obligation Capital Loan Notes, Series 2009B, for issuance of General Obligation Bonds, in an approximate amount not to exceed \$7,150,000.

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: notifications to the public of public hearings has been published in the February 10, 2009 edition of the Council Bluffs Non Pareil and

Whereas: public hearings to receive public comment regarding the City of Council Bluffs plans to issue general obligation bonds were held Febraury 23, 2009 and

Whereas: the council approved a resolution authorizing the issuance of these general obligation refunding capital loan notes at its February 23, 2009 meeting, and

Whereas: representatives of Public Financial Management, solicited bids and and reported the successful bidder to both the council and city staff on May 11, 2009, be it resolved that:

That the City of Council Bluffs issue general obligation capital loan notes in an amount not to exceed \$7,150,000 at the stated rate in the successful bid .

ADOPTED
AND
APPROVED May 11, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Finance	Resolution No: 09-149	
Case/Project No:		
Applicant: Art Hill		

Subject/Title

Call and Redeem General Obligation Bonds (\$1,525,000) issued in April 2002.
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Background/Discussion

<p>Background/Discussion</p> <p>In April 2002 the city issued general obligation bonds in the amount of \$4.1 million.</p> <p>Since issuance, \$2.575 million of those bonds have been repaid, leaving a balance of \$1.525 million that is payable on June 1, 2010.</p> <p>The interest rate on those bonds is 4.5% and is paid to bond holders on December 1 and June 1.</p> <p>The lowest current earnings rate on city funds is 0.6 % for funds in its checking account.</p> <p>Funds are available to redeem (repay) the bonds prior to June 1, 2010 without adversely affecting any city operation.</p> <p>Early redemption of bonds on June 1, 2009 would result in interest savings approximating \$61,000.</p>

Recommendation

Approval of a resolution authorizing the finance director to call \$1.525 million of general obligation bonds issued in April, 2002.
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Department Approval	Mayor
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Council Communication

Department:		First Reading Second Reading Third Reading _____
Case/Project No.	Ordinance No. <u>6034</u>	
Applicant.		
Subject/Title		
<p>AN ORDINANCE to amend Chapter 8.44 “Property Damage” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 8.44.044 “Public parks – Prohibited acts” and enacting a new Section 8.44.044 “Public parks – Prohibited acts”, to prohibit the sale of merchandise or services within city parks and on city recreation trails without prior written authorization.</p>		
Background/Discussion		
<p>It has become necessary to regulate sales of merchandise and/or services in and near city parks. An ordinance has been prepared which requires the prior written authorization from the City’s parks director for these activities. Proposals will be requested, and the Parks Board will review the proposals and make recommendations to the director.</p>		
Recommendation		
<p>Approve the ordinance that allows the parks director to regulate sale of merchandise and/or services in city parks and on city recreation trails.</p>		

Submitted by: Dick Wade, City Attorney

Mayor Signature

ORDINANCE NO. 6034

AN ORDINANCE to amend Chapter 8.44 “Property Damage” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 8.44.044 “Public parks – Prohibited acts” and enacting a new Section 8.44.044 “Public parks – Prohibited acts”, to prohibit the sale of merchandise and/or services within city parks and on city recreation trails without prior written authorization.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 8.44 “Property Damage” of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 8.44.044 “Public parks – Prohibited acts”, and enacting a new Section 8.44.044 “Public parks – Prohibited acts”, to read as follows:

“**8.44.044 Public parks – Prohibited acts.** (a) It is unlawful for any person to be in a city park if the park is closed and the park hours are posted.

(b) No person shall offer for sale any merchandise or services within a Council Bluffs city park without the written authorization of the director of parks. If written authorization is granted, no sales or attempted sales shall occur without the written authorization being in the vendor’s possession.

(c) For purposes of this section, ‘city park’ shall mean all parks identified in the Council Bluffs Parks catalog and all recreation trails. A list of the parks and trails is maintained of record in the Council Bluffs Department of Parks, Recreation and Public Property. This information is also available on the City’s website at: <http://parksandrec.councilbluffs-ia.gov/documents/pdf-park-catalog.pdf>

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5228, Section 3 1995.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

ORDINANCE NO. _____

PAGE TWO

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

First Consideration: April 27, 2009
Second Consideration: May 11, 2009
Public Hearing: _____
Third Consideration: _____

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading May 11, 2009
Case/Project No.: FY07-04C Resolution No. 09-133
Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the work of Eriksen Construction as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the US 275/Missouri River Stormwater Pump Station. Project #FY07-04C.

BACKGROUND/DISCUSSION

- IDOT plans to reconstruct US 275 from the Missouri River to I-29 in 2006-2009.
 - NDOR and IDOT plan to reconstruct the US 275 Missouri River Bridge starting in 2008.
 - There is an existing pump station at the river levee on the north side of the Highway. It is 35 years old and is in conflict with roadway widening.
 - Pump station relocation is scheduled for 2008 and 2009
 - The new pump station will be upgraded and modernized. Service area includes both sides of US 275 from Missouri Levee to Twin City Drive.
 - The first part of construction is estimated at \$80,000 for piping and structural efforts and is contracted through IDOT agreement.
 - The second part of construction is estimated at \$145,000 for Electrical/Mechanical efforts and is the project which is the subject of this resolution.
 - Project is FY07-04C in the CIP and will be funded by West Lewis #35 and Sieck #32 drainage district funds.
 - This is a rebid of the US 275/Missouri River Stormwater Pump Station.
- | | |
|----------------------------|--------------|
| • Original contract amount | \$131,500.00 |
| Change Orders | \$ 0 |
| Final contract amount | \$131,500.00 |
| Less previous payments | \$124,925.00 |
| Retainage due contractor | \$ 6,575.00 |

RECOMMENDATION

Approval of this resolution.

RESOLUTION
NO 09-133

**RESOLUTION ACCEPTING THE WORK OF
ERIKSEN CONSTRUCTION COMPANY, INC. IN CONNECTION WITH
THE US 275/MISSOURI RIVER STORMWATER PUMP STATION
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$6,575.00
FY07-04C**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Eriksen Construction Company, Inc., Blair, NE, for the US 275/Missouri River Stormwater Pump Station; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$6,575.00 to Eriksen Construction Company, Inc. has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$6,575.00 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$6,575.00 payable to Eriksen Construction Company, Inc. from budget code Z01200-676765 project #00259.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading May 11, 2009

Case/Project No.: FY10-05A

Resolution No. 09-134

Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of R. D. Blue Construction, Inc. in the amount of \$1,040,312.95 for the base bid plus alternative bid for the So. 13th Street Improvements – Phase IV. Project #FY10-05A.

BACKGROUND/DISCUSSION

- On April 21, 2009, bids were received in the city clerk's office as followed:

	<u>Division I General</u>	<u>Division II Pavement</u>	<u>Division III Storm Sewer</u>	<u>Division IV Sanitary Sewer</u>	<u>Division V Water Main</u>	<u>Total</u>
Base Bids						
R. D. Blue Construction	\$122,220.90	\$226,432.30	\$ 97,419.25	\$113,071.15	\$ 93,014.00	\$ 652,157.60
MFT Construction	\$128,436.24	\$233,423.19	\$105,458.25	\$138,795.06	\$100,361.45	\$ 706,474.19
General Excavating	\$278,876.24	\$319,308.19	\$157,446.72	\$168,301.52	\$116,534.40	\$1,040,467.07
Engineer's Opinion	\$143,315.50	\$262,567.30	\$120,978.00	\$155,083.80	\$128,165.00	\$ 810,109.60
Alternative Bids						
R. D. Blue Construction	\$ 73,270.90	\$117,550.15	\$ 54,885.00	\$ 58,477.80	\$ 83,971.50	\$ 388,155.35
MFT Construction	\$ 58,732.46	\$133,515.30	\$ 62,631.96	\$ 87,632.39	\$ 91,704.19	\$ 434,216.30
General Excavating	\$136,112.21	\$169,156.12	\$ 80,060.60	\$ 76,129.68	\$102,320.80	\$ 563,779.41
Engineer's Opinion	\$107,128.00	\$146,199.40	\$ 64,144.25	\$ 79,632.00	\$112,062.00	\$ 509,165.65

A fourth bid was received was not read and was determined to be incomplete and rejected.

- 13th Street sanitary sewer is a major collector sewer in the system.
- The sewer directs flow to the 29th Avenue Pump Station. The pump station was replaced in 2005 – 2006. The outfall sewer from 29th Avenue Pump Station to I-80 Pump Station was replaced between 1999 and 2003.
- The 13th Street sewer starts out as a 66" inch pipe at 28th Avenue and incrementally reduces in size to Broadway where it is a 30" inch pipe. The sewer is made of brick or concrete and is at least 50 years old.
- The sewer is in need of replacement and is programmed to be constructed in phases over several years.
- Phase I project was completed in 2006 and constructed a sanitary sewer siphon under Indian Creek from 13th Street to 15th Street.
- Phase II was completed in 2007 and included a new sanitary sewer, pavement, and storm sewer, from 28th Avenue to approximately 25th Avenue. It included a new pipe under Indian Creek.
- Phase III was completed in 2008 and included a new sanitary sewer, pavement and storm sewer from 25th Avenue to 22nd Avenue.
- This is project FY10-05A, Phase IV in the CIP and has a budget of \$1,000,000 in sales tax funds and will involve construction of a new sanitary sewer, pavement, and storm sewer from 22nd Avenue to North of 19th Avenue. Excluding the Division V water main work, which is reimbursable, the City's construction cost is \$863,327.45. The total design fee was \$87,530.00. The construction observation cost is estimated at \$87,240. Therefore, the total cost to the City totals \$1,038,067.45. Sales tax will be used for this total.
- This project schedule is: Set Public Hearing, March 9, 2009; Hold Public Hearing, March 23, 2009; Project Letting, April 21, 2009; Construction Award, May 11, 2009; Construction, June, 2009; and Completion, November, 2009.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 09-134

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
R. D. BLUE CONSTRUCTION, INC. FOR THE
SO. 13TH STREET IMPROVEMENTS-PHASE IV
FY10-05A**

WHEREAS, the plans, specifications, and form of contract for the So. 13th Street Improvements-Phase IV are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on March 23, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, R. D. Blue Construction, Inc. has submitted a low bid in the amount of \$1,040,312.95 for this contract.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the base bid of R. D. Blue Construction, Inc. in the amount of \$652,157.60, plus the alternative bid of \$388,155.35, is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the So. 13th Street Improvements-Phase IV; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with R. D. Blue Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Legal	Resolution No. <u>09-135</u>	First Reading Second Reading Third Reading _____
Case/Project No. _____		
Subject/Title		
A Resolution imposing penalties against Caliente Enterprises, LLC, d/b/a Mario's Bar & Laundry for violation of Council Bluffs Municipal Code Chapter 3.08.190(2) for selling or dispensing an alcoholic beverage or beer on the premises covered by the license or permit, or permitting its consumption thereon between the hours of two a.m. and six a.m.		
Background/Discussion		
On or about January 18, 2009, Council Bluffs Police Officers issued a citation to the owner/operator of Caliente Enterprises, LLC, d/b/a Mario's Bar & Laundry, for selling or dispensing an alcoholic beverage, beer, or wine on the licensed premises between the hours of two a.m. and six a.m. A resolution has been prepared imposing a \$500 fine against Caliente, Enterprises, LLC, d/b/a Mario's Bar & Laundry. Payment of the \$500 civil penalty was received on April 24, 2009.		
Recommendation		
Adopt the resolution imposing the penalty against Caliente Enterprises, LLC, d/b/a Mario's Bar & Laundry, 719 South Main Street, Council Bluffs, Iowa.		

Don Bauermeister, Asst. City Attorney

Department Head Signature

Mayor Signature

RESOLUTION NO. 09-135

A RESOLUTION imposing penalties against Caliente Enterprises, LLC, d/b/a Mario's Bar & Laundry, for violation of Council Bluffs Municipal Code Chapter 3.08.190(2) for selling or dispensing an alcoholic beverage or beer on the premises covered by the license or permit, or permitting its consumption thereon between the hours of two a.m. and six a.m.

WHEREAS, Iowa Code Section 123.9 allows local authorities to suspend or revoke a liquor control license or beer or wine permit for any licensee/permittee and/or to impose a civil penalty (fine) against any licensee/permittee who violates any of the provisions of Chapter 123 of the Iowa Code or provisions of the Council Bluffs Municipal Code concerning alcoholic beverages; and

WHEREAS, Council Bluffs Municipal Code Section 3.08.190(2) provides: "No person or club holding a liquor license or beer permit nor his agents or employees shall sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon during any hours prohibited by the state of Iowa; and

WHEREAS, the above-named licensee/permittee () did (XX) did not make a timely written request for a public hearing, and this matter will be determined () with (XX) without public hearing; and

WHEREAS, there being sufficient evidence to prove that on or about January 18, 2009, the above-named licensee/permittee, or an employee or agent of said licensee/permittee, sold or dispensed an alcoholic beverage, beer, or wine on the licensed premises between the hours of two a.m. and six a.m.; and

WHEREAS, this is the first offense by the above-named licensee/permittee.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-named licensee/permittee is found to be in violation of Council Bluffs Municipal Code Chapter 3.08.190(2) for selling or dispensing any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon during any hours prohibited by the state of Iowa; and

BE IT FURTHER RESOLVED:

That this shall be considered the first offense by the above-named licensee/permittee, and the following penalties shall be imposed:

RESOLUTION NO. _____

PAGE TWO

- XX \$500.00 Fine to be paid no later than 5:00 p.m. on the 10th business day after the adoption of this resolution (Fine paid April 24, 2009);
- _____ Suspension - No sale of alcoholic beverages, beer, or wine for a period of _____ day(s) _____ month(s), beginning at 2:01 a.m. on the 10th business day after the adoption of this resolution;
- _____ Revocation – No sale of alcoholic beverages, beer, or wine beginning at 2:01 a.m. on the 10th business day after the adoption of this resolution.

ADOPTED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

Council Communication

Department: Legal	Resolution No. <u>09-136</u>	First Reading Second Reading Third Reading _____
Case/Project No. _____		
Subject/Title		
Resolution authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Walgreens 4405, 2508 W. Broadway, for a violation of the State's tobacco laws.		

Background/Discussion
On April 1, 2009, compliance checks by the Council Bluffs Police Department resulted in a citation being issued to employee of Walgreens for providing tobacco to a minor. We are pursuing civil penalties against the permit holder. The civil penalty for a first violation is \$300. Walgreens has made payment of the \$300 penalty and has submitted their Acknowledgement/Settlement Agreement. A resolution has been prepared authorizing the Mayor to execute the Order to Accept the Acknowledgement/Settlement Agreement from Walgreens 4405.
Recommendation
Authorize the Mayor to execute Order Accepting the Acknowledgement/Settlement Agreement from Walgreens 4405 for a first violation of the State's tobacco laws.

Don Bauermeister, Asst. City Attorney

Department Head Signature

Mayor Signature

RESOLUTION NO. 09-136

A RESOLUTION authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Walgreens 4405, 2508 W. Broadway, Council Bluffs, IA 51501, for a violation of Iowa Code Section 453A.2(1).

WHEREAS, the State of Iowa has enacted a comprehensive program aimed at reducing underage tobacco use; and

WHEREAS, compliance checks in Council Bluffs resulted in a citation being issued to an employee of Walgreens 4405, 2508 W. Broadway, on or about April 1, 2009; and

WHEREAS, the mandatory civil penalty has been paid, and it is in the best interest of the City to execute an Order accepting the Acknowledgement/Settlement Agreement from the above business for this violation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to execute the Order Accepting the Acknowledgement/Settlement Agreement from Walgreens 4405, 2508 W. Broadway, for a violation of Iowa Code Section 453A.2.

ADOPTED
AND _____, 2009
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

BEFORE THE CITY COUNCIL
FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:

Walgreens 4405
2508 W. Broadway
Council Bluffs, IA 51501

**ORDER ACCEPTING
ACKNOWLEDGEMENT/SETTLEMENT
AGREEMENT**

ON this ____ day of _____, 2009, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgement/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

THEREFORE, the City Council for the City of Council Bluffs, Iowa, FINDS that the above-captioned permittee has remitted to the City of Council Bluffs, Iowa, a civil penalty in the amount of three hundred dollars (\$300.00). Be advised that this sanction will count as a first violation of Iowa Code Section 453A.2(1), pursuant to Iowa Code Section 453A.22(2)(a).

IT IS THEREFORE ORDERED that the judgment in this matter is hereby satisfied.

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN Acting City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading May 11, 2009

Case/Project No.: FY10-05B

Resolution No. 09-137

Applicant: Ron Neal, P. E., City Engineer

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Leazenby Construction, Inc. in the amount of \$716,420.87 for the 31st Street Improvements-Phase III Avenue A to Avenue D. Project # FY10-05B.

BACKGROUND/DISCUSSION

- On April 23, 2009, bids were received in the City Clerk's office as followed:

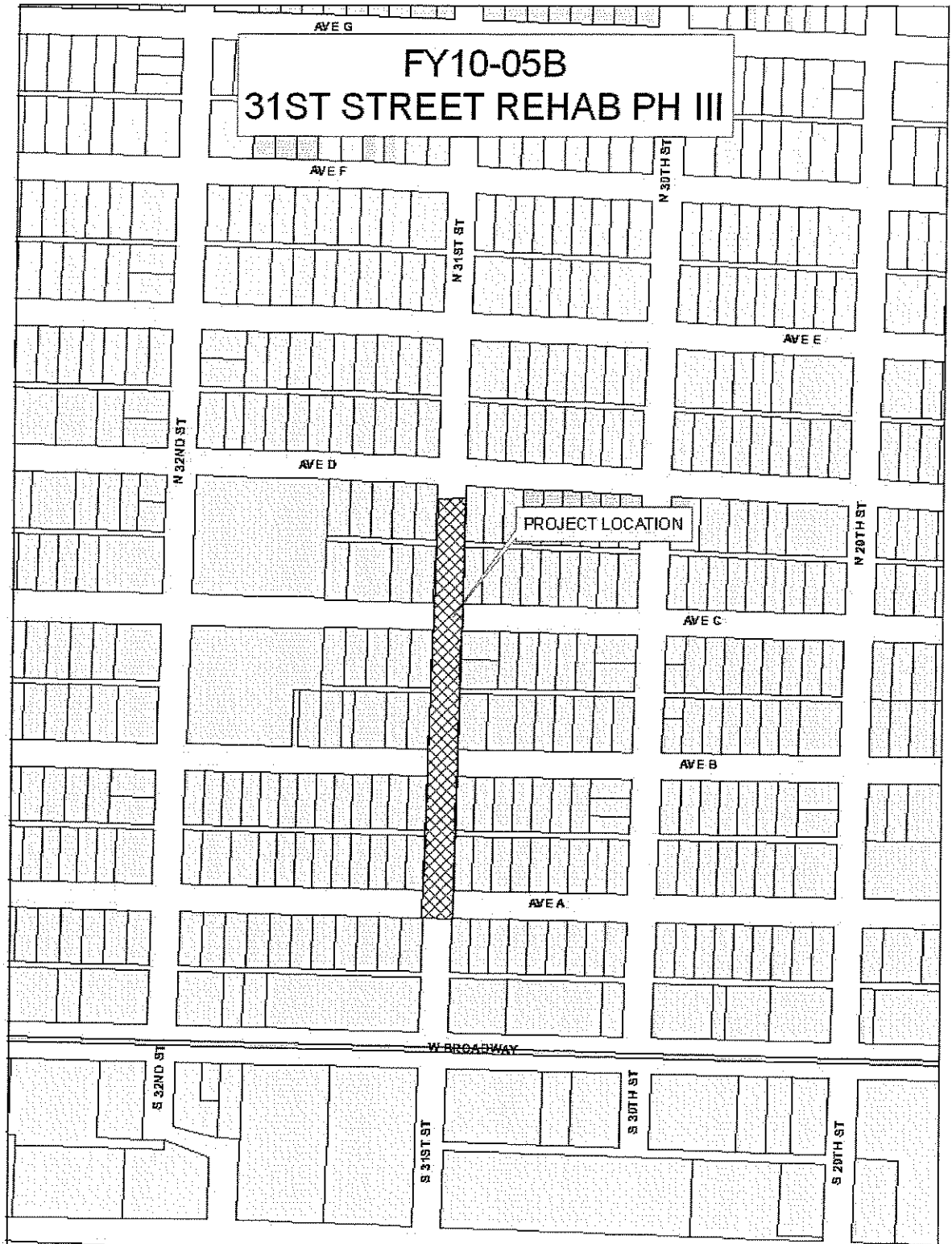
	Division I <u>General</u>	Division II <u>Pavement</u>	Division III <u>Storm Sewer</u>	Division IV <u>Sanitary Sewer</u>	Division V <u>Water Main</u>	Total
Leazenby Const., Inc.	\$77,127.21	\$208,811.65	\$ 90,897.08	\$263,062.62	\$76,522.31	\$716,420.87
R. D. Blue Const., Inc.	\$68,112.75	\$199,691.05	\$100,813.00	\$285,194.40	\$81,033.00	\$734,844.20
MFT Construction, Inc.	\$61,519.65	\$190,651.11	\$ 96,050.48	\$308,169.84	\$83,340.45	\$739,731.53
Engineer's Opinion	\$83,166.85	\$248,446.70	\$153,497.00	\$359,127.80	\$87,302.00	\$931,540.35

- The 31st Street sanitary sewer was built in the early 1950's. The sewer is a collector sewer receiving flow from the area between 37th Street and 29th Street north of Broadway. The sewer discharges to the 6th Avenue pump station at 31st Street.
- The sewer is in poor condition and needs to be replaced.
- The 31st Street sewer has been replaced in previous projects from 6th Avenue to Avenue A.
- This project will continue the rehab of the pavement, sanitary and storm sewer between Avenue A to Avenue D.
- This is project FY10-05B in the CIP and is funded with Sales Tax funds.

The project schedule is: Set Public Hearing, March 9, 2009; Hold Public Hearing, March 23, 2009; Project Letting, April 23, 2009; Construction Award, May 11, 2009; Construction Start, June, 2009; Construction Completion, November, 2009.

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO 09-137

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
LEAZENBY CONSTRUCTION, INC.
FOR THE
31ST STREET IMPROVEMENTS – PHASE III AVENUE A TO AVENUE D
FY10-05B**

WHEREAS, the plans, specifications, and form of contract for the 31st Street Improvements – Phase III Avenue A to Avenue D are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on March 23, 2009, and the plans, specifications and form of contract were approved; and

WHEREAS, Leazenby Construction, Inc. has submitted a low bid in the amount of \$716,420.87 for this contract.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the bid of Leazenby Construction, Inc. in the amount of \$716,420.87 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the 31st Street Improvements – Phase III Avenue A to Avenue D; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Leazenby Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Council Communication

Department: Community Development	Ordinance No. _____ Resolution No. <u>09-138</u>	First Reading <u>5/11/09</u> Second Reading _____ Third Reading _____ Public Hearing _____
Subject/Title Acquisition of two properties at 1409 and 1421 South 7 th Street.		
Background/Discussion <p>Sheila Melanson/Gonzalez, owner of the above properties is interested in selling 1409 and 1421 South 7th Street to the City for the purpose of demolition and Infil development. The homes are located in the Katelman area, which is currently the site of extensive redevelopment.</p> <p>Acquisition of these two properties was recommended to further the Urban Renewal Plan for the Katelman area by removing these blighted homes. Further, the City owns two lots adjacent and plans to redevelop the property. With the acquisition of Ms. Melanson/Gonzalez's lots, four new Infil homes could be constructed.</p> <p>Each parcel is 48.33' wide and 120', or 5,376 sq. ft. The property located at 1409 South 7th Street includes a vacant home was appraised at \$18,000. The property located at 1421 South 7th Street is occupied by Ms. Melanson/Gonzalez and appraised at \$65,000. The acquisition price for all properties is \$96,000. Ms. Melanson/Gonzalez is willing to accept a price for both properties of \$96,000. Per the Housing and Urban Development (HUD) rules and regulations, relocation benefits will be provided to the homeowner. Staff proposes to use funds from the HUD Economic Development Initiative Grant (EDI) to acquire the properties.</p>		
Recommendation Approval of the resolution authorizing the acquisition of properties located at 1409 and 1421 South 7 th Street for \$96,000.		
Attachment: Site Plan		

Submitted by: Donald D. Gross, Director, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department

RESOLUTION NO. 09-138

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OFFER TO BUY TWO PROPERTIES OWNED BY SHEILA A. MELANSON/GONZALEZ, LEGALLY DESCRIBED AS LOTS 12 AND 13, BLOCK 58, RIDDLES SUBDIVISION.

WHEREAS, the City wishes to acquire two lots owned by Sheila A. Melanson/Gonzalez located at 1409 and 1421 South 7th Street and legally described as Lots 12 and 13, Block 58, Riddles Subdivision to the City of Council Bluffs; and

WHEREAS, the proposed project will involve the acquisition and demolition of structures for the development of single-family homes; and

WHEREAS, the owner of said properties is willing to dispose of the properties; and

WHEREAS, HUD Economic Development Initiative (EDI) funds are available to acquire the property; and

WHEREAS, an offer to buy, outlining the terms of the sale, will be prepared for the acquisition of the property legally described as Lots 12 and 13, Block 58, Riddles Subdivision for \$96,000.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Mayor is hereby authorized and directed to execute the real estate contract to acquire the property legally described as Lots 12 and 13, Block 58, Riddles Subdivision to the City of Council Bluffs, from Sheila A. Melanson/Gonzalez in the amount of \$96,000.

ADOPTED

AND

APPROVED: _____, 2009

Thomas P. Hanafan

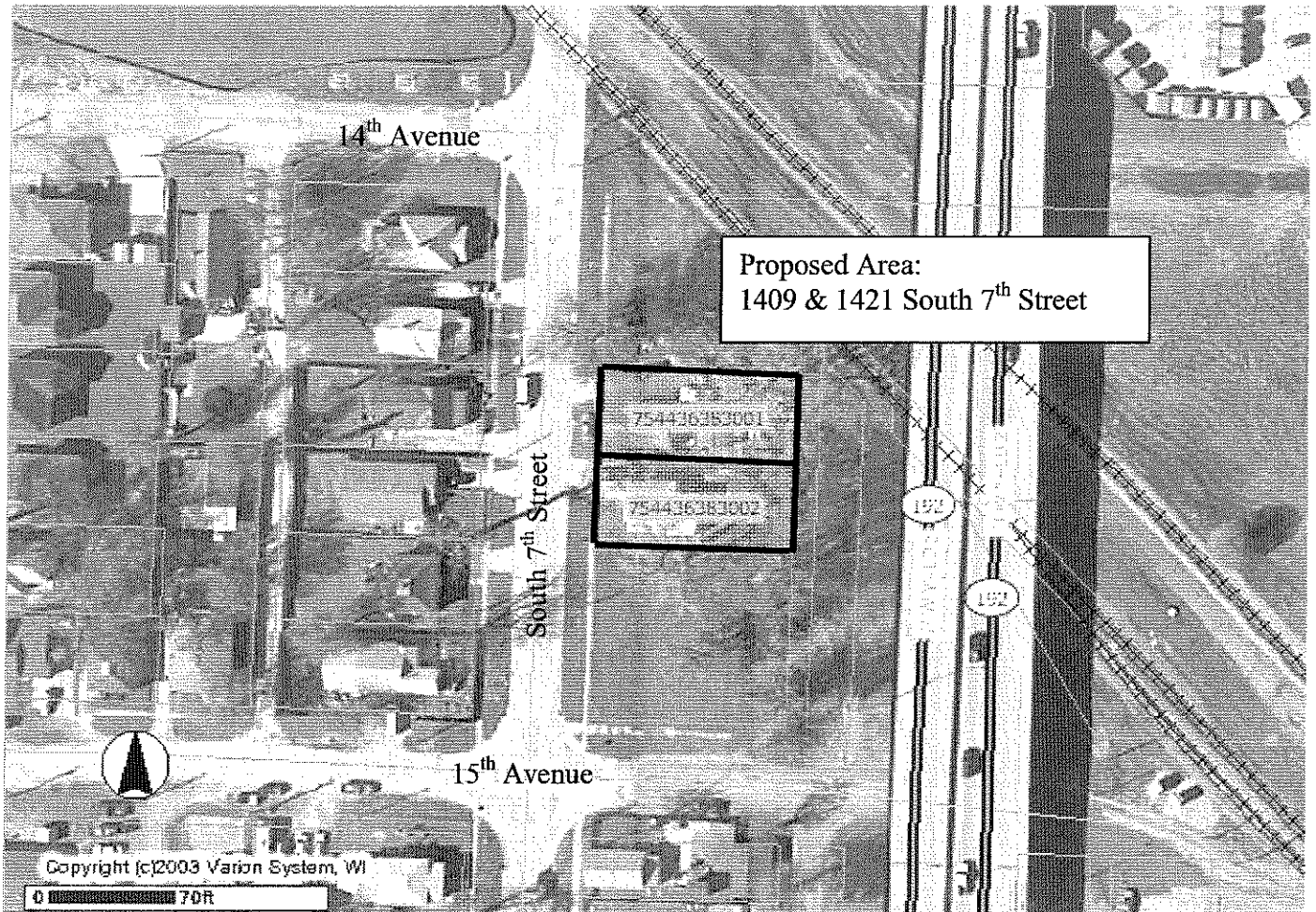
Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk

Site Plan

1409 & 1421 South 7th Street, Council Bluffs, Iowa



Council Communication

Department: Parks, Recreation and Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. _____ Resolution No. <u>09-139</u>	Date: <u>May 11, 2009</u>
Subject/Title		
For City Council consideration is a resolution authorizing the Mayor to sign and submit an application to the U.S. Department of Energy for a grant through it's recently announced Energy Efficiency and Conservation Program.		
Background/Discussion		
<p>The Department of Energy recently announced the City of Council Bluffs is eligible to receive \$571,500.00 to be utilized for work activities qualifying under the Department's Energy Efficiency and Conservation Program.</p> <p>The purpose of this resolution is to authorize the Department of Parks, Recreation and Public Property to assemble and submit an application, support materials and other documentation necessary for this grant to be awarded to the City. Passage of this resolution will also authorize the Mayor to sign the application.</p> <p>Funding from this grant will be utilized to address energy efficiency improvements within City Hall and the Community Hall/Central Fire Station building. Concurrent with the grant application, the City is moving forward with a process to evaluate the current condition of these two buildings' energy related elements to determine those projects which return the most value. It is anticipated that qualified improvement items may include, HVAC upgrades/replacements, lighting improvements, window replacement and that these, and possibly other projects, will comprise the work to be accomplished, should this grant be awarded.</p>		
Recommendation		
I recommend the City Council adopt the resolution to authorize the Mayor to submit an application to the U. S. Department of Energy.		

Larry Foster

Thomas P. Hanafan

RESOLUTION NO. 09-139

WHEREAS, the U.S. Department of Energy has enacted the Energy Efficiency and Conservation Program; and

WHEREAS, the Energy Efficiency and Conservation Program allows cities to submit grant applications to obtain funds to be utilized to address energy efficiency improvements to City facilities; and

WHEREAS, the City desires to submit an Energy Efficiency and Conservation grant for consideration by the U.S. Department of Energy.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor be authorized to sign and submit a grant application to the U.S. Department of Energy to be considered for the Energy Efficiency and Conservation Program.

ADOPTED
AND
APPROVED _____ 2009

Thomas P. Hanafan Mayor

Attest:

Marcia L. Worden Acting City Clerk

Council Communication

Department: Human Resources Case/Project No. Applicant.	Ordinance No. Resolution No. <u>09-140</u>	First Reading Second Reading Third Reading _____
Subject/Title		
Changes in Authorized Staffing Levels to Coincide with FY 2010 Budget		
Background/Discussion		
<p>The adopted budget for FY 2010 includes several changes requiring approval by the City Council. Changes involving part-time positions are shown in terms of their Full Time Equivalency (FTE). The changes included in FY 2010 budget are:</p> <ul style="list-style-type: none">• Create an additional part-time Animal Control Officer (.75 FTE) in the Health Department.• Replace 4 part-time Records Technician I's (3.2 FTE) with 2 full-time Records Technician I's in the Police Department.• Create an additional full time Identification Technician in the Police Department.• Replace the part-time Clerk Steno position (.8 FTE) in the Police Department with a full-time Clerk Steno.• Abolish a part-time Account Clerk II position (.75 FTE) in the Finance Department. <p>The effective date for these changes is 7-1-09. It is interesting to note that the net result of these changes does not increase the overall number of authorized positions.</p>		
Recommendation		
It is recommended that the City Council approve the resolution creating and abolishing the positions as outlined above.		

Department Head Signature

Mayor Signature

RESOLUTION 09-140

A RESOLUTION AUTHORIZING CHANGES TO BE MADE TO
STAFFING LEVELS OF THE CITY

WHEREAS, the Mayor's budget for FY 09 - 10 as adopted by City Council calls for the creation and reclassification of certain full and part-time positions; and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa;

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the following Personnel Changes are hereby adopted and approved effective July 1, 2009;

- Create an additional part-time Animal Control Officer (.75 FTE) in the Health Department.
- Replace 4 part-time Records Technician I's (3.2 FTE) with 2 full-time Records Technician I's in the Police Department.
- Create an additional full-time Identification Technician in the Police Department.
- Replace the part-time Clerk Steno position (.8 FTE) in the Police Department with a full-time Clerk Steno.
- Abolish a part-time Account Clerk II position (.75 FTE) in the Finance Department.

Adopted
and
Approved _____, 2009

THOMAS P. HANAFAN, MAYOR

MARCIA WORDEN, ACTING CITY CLERK

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503

RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 09-141

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS AND POTTAWATTAMIE COUNTY WITH REGARD TO THE 2007 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD.

WHEREAS, this resolution authorizes the Mayor to execute an Interlocal Agreement between the City and County;
and

WHEREAS, execution of this agreement shall take place on May 14, 2009, following the mandatory thirty-day review period.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That on May 14, 2009, the Mayor shall sign the Interlocal Agreement between the City and County with regard to the 2007 Byrne Justice Assistance Grant Program award.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, Acting City Clerk

Council Communication

Department: Finance Case/Project No.: N/A	Ordinance No. Resolution No. _____	First Reading: N/A Second Reading: N/A Third Reading: 05/11/09																
Subject/Title																		
Drainage District Assessments.																		
Background/Discussion																		
<p>The City of Council Bluffs has authority over the following drainage districts to provide maintenance and establish a special assessment to procure funds to pay the costs and expenses for general upkeep and maintenance within the drainage districts and to create a sinking fund.</p> <p>The following is the breakdown on the special assessments for the drainage districts which is payable to the City of Council Bluffs for year 2009 and which is due prior to September 30, 2009.</p> <table style="width: 100%; margin-top: 20px;"><thead><tr><th></th><th style="text-align: center;"><u>PRINCIPAL</u></th><th style="text-align: center;"><u>7% INTEREST</u></th><th style="text-align: center;"><u>ASSESSMENT PERCENTAGE</u></th></tr></thead><tbody><tr><td>Mosquito Creek #22</td><td style="text-align: right;">\$44,435</td><td style="text-align: right;">\$3,110</td><td style="text-align: right;">46.0%</td></tr><tr><td>Sieck #32</td><td style="text-align: right;">\$36,147</td><td style="text-align: right;">\$2,530</td><td style="text-align: right;">75.0%</td></tr><tr><td>West Lewis #35</td><td style="text-align: right;">\$45,091</td><td style="text-align: right;">\$3,156</td><td style="text-align: right;">53.0%</td></tr></tbody></table>				<u>PRINCIPAL</u>	<u>7% INTEREST</u>	<u>ASSESSMENT PERCENTAGE</u>	Mosquito Creek #22	\$44,435	\$3,110	46.0%	Sieck #32	\$36,147	\$2,530	75.0%	West Lewis #35	\$45,091	\$3,156	53.0%
	<u>PRINCIPAL</u>	<u>7% INTEREST</u>	<u>ASSESSMENT PERCENTAGE</u>															
Mosquito Creek #22	\$44,435	\$3,110	46.0%															
Sieck #32	\$36,147	\$2,530	75.0%															
West Lewis #35	\$45,091	\$3,156	53.0%															
Recommendation																		
Council approval of the resolution setting the annual assessments for the drainage districts.																		

Department Head Signature

Mayor Signature

**RESOLUTION
NO. _____**

**A RESOLUTION AUTHORIZING AND SETTING THE ANNUAL ASSESSMENT
FOR THE WEST LEWIS LEVEE DRAINAGE DISTRICT.**

Whereas, the City of Council Bluffs has authority over the West Lewis Levee Drainage District to provide maintenance of such district for the public benefit, and conducive to the public health, convenience, and welfare; and

Whereas, as the governing body of said district, it is necessary to establish the annual assessment to be levied on all tracts of land, lots, public roads, and railway contained within the boundaries of the district to procure funds from which to pay the indebtedness incurred from costs and expenses for the general upkeep and maintenance of the district, and to create a sinking fund.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the current indebtedness of the West Lewis Levee Drainage District is \$45,091 as of May 11, 2009. The special assessment of 53% is payable to the City of Council Bluffs in 1 annual installments for the year 2009, and all assessments paid in full prior to September 30, 2009 may be paid without interest.

Adopted
and
Approved _____, 2009

Thomas P. Hanafan Mayor

Attest: _____
Judith Ridgeley City Clerk

Council Communication

Department: Finance Case/Project No.: N/A	Ordinance No. Resolution No. <u>09-143</u>	First Reading: N/A Second Reading: N/A Third Reading: 05/11/09
Subject/Title		
Drainage District Assessments.		
Background/Discussion		
<p>The City of Council Bluffs has authority over the following drainage districts to provide maintenance and establish a special assessment to procure funds to pay the costs and expenses for general upkeep and maintenance within the drainage districts and to create a sinking fund.</p> <p>The following is the breakdown on the special assessments for the drainage districts which is payable to the City of Council Bluffs for year 2009 and which is due prior to September 30, 2009.</p>		
	<u>PRINCIPAL</u>	<u>7% INTEREST</u>
Mosquito Creek #22	\$44,435	\$3,110
Sieck #32	\$36,147	\$2,530
West Lewis #35	\$45,091	\$3,156
		<u>ASSESSMENT PERCENTAGE</u>
		46.0%
		75.0%
		53.0%
Recommendation		
Council approval of the resolution setting the annual assessments for the drainage districts.		

Department Head Signature

Mayor Signature

**RESOLUTION
NO. 09-143**

A RESOLUTION AUTHORIZING AND SETTING THE ANNUAL ASSESSMENT
FOR THE MOSQUITO CREEK LEVEE DRAINAGE DISTRICT.

Whereas, the City of Council Bluffs has authority over the Mosquito Creek Levee Drainage District to provide maintenance of such district for the public benefit, and conducive to the public health, convenience, and welfare; and

Whereas, as the governing body of said district, it is necessary to establish the annual assessment to be levied on all tracts of land, lots, public roads, and railway contained within the boundaries of the district to procure funds from which to pay the indebtedness incurred from costs and expenses for the general upkeep and maintenance of the district, and to create a sinking fund.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the current indebtedness of the Mosquito Creek Levee Drainage District is \$44,435 as of May 11, 2009. The special assessment of 46% is payable to the City of Council Bluffs in 1 annual installments for the year 2009, and all assessments paid in full prior to September 30, 2009 may be paid without interest.

Adopted
and
Approved _____, 2009

Thomas P. Hanafan Mayor

Attest: _____
Marcia L. Worden Acting City Clerk

**RESOLUTION
NO. 09-144**

A RESOLUTION AUTHORIZING AND SETTING THE ANNUAL ASSESSMENT
FOR THE SIECK LEVEE DRAINAGE DISTRICT.

Whereas, the City of Council Bluffs has authority over the Sieck Levee
Drainage District to provide maintenance of such district for
the public benefit, and conducive to the public health,
convenience, and welfare; and

Whereas, as the governing body of said district, it is necessary to establish
the annual assessment to be levied on all tracts of land, lots,
public roads, and railway contained within the boundaries of
the district to procure funds from which to pay the indebtedness
incurred from costs and expenses for the general upkeep and
maintenance of the district, and to create a sinking fund.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the current indebtedness of the Sieck Levee Drainage District is
\$36,147 as of May 11, 2009. The special assessment of
75% is payable to the City of Council Bluffs in 1 annual installments
for the year 2009, and all assessments paid in full prior to September 30,
2009 may be paid without interest.

Adopted
and
Approved _____, 2009

Thomas P. Hanafan Mayor

Attest: _____
Marcia L. Worden Acting City Clerk

Council Communication

Department: Finance Case/Project No.: N/A	Ordinance No. Resolution No. <u>09-144</u>	First Reading: N/A Second Reading: N/A Third Reading: 05/11/09	
Subject/Title			
Drainage District Assessments.			
Background/Discussion			
<p>The City of Council Bluffs has authority over the following drainage districts to provide maintenance and establish a special assessment to procure funds to pay the costs and expenses for general upkeep and maintenance within the drainage districts and to create a sinking fund.</p> <p>The following is the breakdown on the special assessments for the drainage districts which is payable to the City of Council Bluffs for year 2009 and which is due prior to September 30, 2009.</p>			
	<u>PRINCIPAL</u>	<u>7% INTEREST</u>	<u>ASSESSMENT PERCENTAGE</u>
Mosquito Creek #22	\$44,435	\$3,110	46.0%
Sieck #32	\$36,147	\$2,530	75.0%
West Lewis #35	\$45,091	\$3,156	53.0%
Recommendation			
Council approval of the resolution setting the annual assessments for the drainage districts.			

Department Head Signature

Mayor Signature

Council Communication

Department: Parks, Recreation and Public Property	Ordinance No. _____ Resolution No. <u>09-145</u>	Date: _____
Case/Project No.		
Applicant: Larry N. Foster		
Subject/Title		
<p>For City Council consideration is a resolution authorizing the Mayor to enter into an agreement with Honey Creek Resources, Inc., for professional services related to the application documentation and submittal, the EECS Strategy plan preparation and the provision of other information required for the City to apply to the U.S. Department of Energy, for a grant through its Energy Efficiency and Conservation Block Grant program.</p>		
Background/Discussion		
<p>Through a companion resolution, the Council is being asked to authorize the Mayor to apply for an Energy Efficiency and Conservation Block Grant in the amount of \$571,500.00. Should the Council authorize the City to apply for this grant, the services of a firm with knowledge of the grant requirements, support documentation and the application processes associated with Department of Energy grants, is necessary.</p> <p>Honey Creek Resources, Inc., through its Principal, Sharon Oamek, is experienced with the Federal Grant process. Additionally, Ms. Oamek has studied the requirements of the Energy Efficiency and Conservation Block Grant, met with staff from the Community Development and Parks, Recreation and Public Property Department, and is being recommended based upon her experience, qualifications, availability and background.</p> <p>Services to be provided and tasks to be completed, by Honey Creek Resources, Inc., include:</p> <ul style="list-style-type: none">• Research and author the Energy Efficiency and Conservation Block Grant• Author, through coordination of information to be provided by the City and others, the required EECS Plan• Provide the direct contact as needed between the City and the U.S. Department of Energy• Complete all required federal forms• Additional services as required for the application and the necessary project monitoring <p>The total estimated fees, not including reimbursable expenses to be paid Honey Creek Resources, Inc., for the services as detailed in the proposed agreement shall not exceed \$7,500.00 and shall be expended from CIP project 09-04-BF, Community Hall mechanical rehabilitation.</p>		
Recommendation		
<p>I recommend the adoption of the resolution authorizing the Mayor to enter into an agreement with Honey Creek Resources, Inc.</p>		

RESOLUTION NO. 09-145

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH HONEY CREEK RESOURCES, INC., FOR PROFESSIONAL SERVICES RELATED TO THE APPLICATION DOCUMENTATION AND SUBMITTAL, THE EECS STRATEGY PLAN PREPARATION AND THE PROVISION OF OTHER INFORMATION REQUIRED FOR THE CITY TO APPLY TO THE U.S. DEPARTMENT OF ENERGY FOR A GRANT THROUGH ITS ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

WHEREAS, the City Council recognizes that Honey Creek Resources, Inc., has the knowledge of the grant requirements, support documentation and the application processes necessary to complete the Energy Efficiency and Conservation Block Grant; and

WHEREAS, an agreement with Honey Creek Resources, Inc., for professional services for this grant has been prepared; and

WHEREAS, the City Council has been advised and deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Honey Creek Resources, Inc., for professional services related to the Energy Efficiency and Conservation Block Grant.

ADOPTED
AND
APPROVED _____, 2009

Thomas P. Hanafan Mayor

Attest:

Marcia Worden Acting City Clerk

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: AMEE L. LOWE DAY PHONE: 325-9000
ADDRESS: 3156 N. 47th Ave. DOB: 4/22/75 SS#: _____
DATE & TIME OF LOSS/ACCIDENT: 4/17/09 7:00 A.M.
LOCATION OF LOSS/ACCIDENT: 35th St. + Broadway intersection
DESCRIPTION OF LOSS/ACCIDENT: I was traveling East in my vehicle. City Employee traveling West. The light was Green. The City employee turned Left (South) on to 35th Street and failed to yield to my vehicle, which had already entered the intersection.
TOTAL DAMAGES CLAIMED: \$ 5,163.78
WITNESS(ES) (Name(s), Address(es), Phone No(s)): no known witnesses other than the Driver of the city vehicle, Richard Woodward.

WAS POLICE REPORT FILED ☒ YES _____ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES _____ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY

OTHER RELEVANT INFORMATION: please see attached Exhibits 1-6

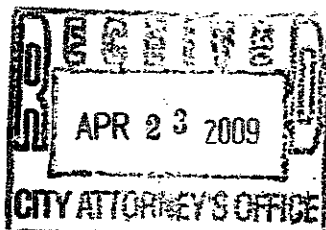
LIST INSURANCE PROVIDER AND COVERAGE: See Police Report

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

4/23/09
DATE

Ame L Lowe
CLAIMANT'S SIGNATURE



2009 APR 23 P 2:18
COUNCIL BLUFFS
CITY CLERK

Contact: Aimee Lowe
Contact Number: 325-9000
Accident No. 09-012972
Driver 1: Aimee Lowe
Driver 2: Richard Woodward
Accident Date: 4/17/09
Date of Request: 4/23/09
Total Damages Requested: \$5,163.78

Supporting Documents:

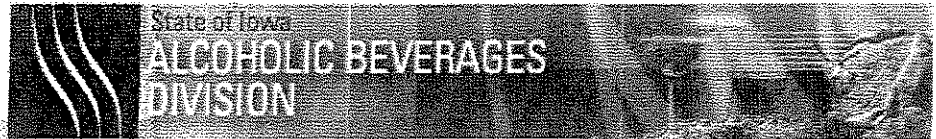
1. Itemized List of Damages set forth below.
2. Police Report. See attached Exhibit 2.
3. **Vehicle Damage: Total Loss at \$4,450:** NADA Bluebook pricing guidelines provide a value for a Nissan Altima, in like condition to mine, at \$4,450.00. The estimated damages to the vehicle are \$3,348.07. The damages total over 75% of the vehicle's value. I was informed by the body shop that actual damages will most likely run, at a minimum, at least 10% over the appraisal. Given the estimated cost of repairs, the likelihood of discovering additional damage once repairs commence, and the diminished value of the car as a result of the accident upon resale, the damage to the car resulting from the accident constitutes a total loss.

See attached Exhibit 3 - the estimated value of the vehicle based upon the NADA pricing guide.

See attached Exhibit 4 - the estimate from Charlie Graham Body and Service for damages resulting from the accident.
4. **Towing: \$93.00.** See attached Exhibit 5 - the tow receipt from Dingman's Auto Collision.
5. **Rental: \$380.78:** Rental through Enterprise for vehicle from April 20 through May 1, 2009 at \$190.39 per week for two weeks. See attached Exhibit 6 - the Enterprise statement showing weekly rates.
6. **Lost wages: \$240.00.** 10 hours at \$24.00 per hour.



- Home
- Contact Us
- Logoff



Help	License Search	License List	On-Demand Reporting	Keg Registration Search	User Profile
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- License
- Privileges
- Applicant
- Status Of Business
- Ownership
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

Applicant LC0021161, Caddy Shack, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the B. The navigation links on the top may also be used to move around the applicati

Name of Applicant: Caddy Shack, Inc. (S)

Name of Business (D/B/A): Caddy Shack

Address of Premise: 1426 4th Avenue

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (402) 681-0730

☐ Same Address

Mailing Address: 4303 Cottage Row

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501-0000

Contact Name: Richard Fuller

Phone: (402) 681-0730






[Prev](#)

Phone: (866) 469-2223
FAX: (515) 281-3375

COUNCIL BLUFFS
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2009 APR -9 A 8:38

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POLICE 
FIRE 
HEALTH 
BUILDING 
ZONING 

- Home
- Contact Us
- Logoff



Help	License Search	License List	On-Demand Reporting	Keg Registration Search	User Profile
------	----------------	--------------	---------------------	-------------------------	--------------

License

Privileges

Applicant

Status Of Business

Ownership

Criminal History

Premises

General Premises

Applicant Signature

Local Endorse

History

Applicant BC0026519, Kum & Go #220, Counc

After completion click on the NEXT link to continue to the next screen, or the B. The navigation links on the top may also be used to move around the applicatio

Name of Applicant: Kum & Go LC (S

Name of Business (D/B/A): Kum & Go #220

Address of Premise: 2024 5th Ave

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 322-0758

☐ Same Address

Mailing Address: 6400 Westown Parkway

Mailing Address Line 2:

City: West Des Moines

Zip: 50266

Contact Name: Iori Miller

Phone: (515) 457-8164

☒ Prev

Phone: (566) 469-2223
FAX: (515) 281-7075

COUNCIL BLUFFS
CITY CLERK
2009 APR 13 A

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BUILDING

ZONING

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- Home
- Contact Us
- Logoff



Help

License Search

License List

On-Demand
ReportingKey Registration
Search

User Profile

➤ License

➤ Privileges

➤ Applicant

➤ Status Of Business

➤ Ownership

➤ Criminal History

➤ Premises

➤ General Premises

➤ Applicant Signature

➤ Local Endorse

➤ History

Applicant BC0026518, Kum & Go #219, Counc

After completion click on the NEXT link to continue to the next screen, or the B.
The navigation links on the top may also be used to move around the applicatio

Name of Applicant: Kum & Go LC

(S

Name of Business (D/B/A): Kum & Go #219

Address of Premise: 154 Bennett Ave

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 322-1565

☐ Same Address

Mailing Address: 6400 Westown Parkway

Mailing Address Line 2:

City: West Des Moines

Zip: 50266

Contact Name: Lori Miller

Phone: (515) 457-6164

Prev

Phone: (866) 469-2223
FAX: (515) 281-7375

COUNCIL BLUFFS
CITY CLERK

2009 APR 13 A 9:36

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POLICE

FIRE

HEALTH

BUILDING

ZONING

Applicant LC0036142, Tz, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

License
Privileges
Applicant
Status Of Business
Ownership
Criminal History
Premises
General Premises
Applicant Signature
Dram Cert
Local Endorse
History

Name of Applicant: Bo T2 INC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Tz
Address of Premise: 128 W. Broadway
Address Line 2:
City: Council Bluffs
County: Portawettamie
Zip: 51503
Business Phone: (402) 208-9517 Cell / Home Phone: (402) 208-9517
☐ Same Address
Mailing Address: 100 Briar Ridge Dr
Mailing Address Line 2:
City: Council Bluffs State: Iowa
Zip: 51503
Contact Name: Trent Tiessen
Phone: (402) 208-9517 Email Address: tiessen@yahoo.com

[Prev](#)

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Phone: (866) 469-2223
Fax: (515) 281-7375

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CITY CLERK'S OFFICE
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ZONING RS

APPLICATION FOR SPECIAL EVENT PERMIT

Organization/person requesting authorization: Google, Inc.

Type of Event: Opening Celebration_ Name of event: Google Council Bluffs Data Center Opening

Location of event: 1430 Veterans Memorial Highway, Council Bluffs, Iowa

Date Set Up Monday, May 18, 2009 Date Taken Down: Wednesday, May 20, 2009

Date(s) Held: Tuesday, May 19, 2009 Time(s) Held: _4-7pm

Duration of location's use: 3 days (including set-up/take down) Duration of Event: 3 hours

Estimate the number of individuals expected to attend: 650
(If a general estimate is not possible, please indicate whether over or under 1,000 persons)

Provisions will need to be made for: The following will be utilized during the event:

Electricity ☐

Animals ☐

Parking ☐

Food Sales or Concessions ☒

Water ☐

Open fires (other than barbecue) ☐

We (I) also request the assistance of the following City Departments or services: Fire Dept.
onsite, EMT onsite, Police onsite

Approval of fireworks permit

Purpose of this assistance: Available for action in case of emergency.

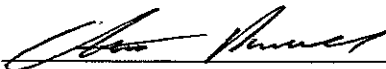
Brief description of event: Opening remarks by Governor and local political and community representatives followed by ribbon cutting ceremony and community celebration with computer demos and bbq/picnic style food for attendees.

If additional information is needed by any City office, who can be contacted for this information between the hours of 8:00 a.m. and 5:00 p.m. during the next two (2) weeks?

Name Elissa Brown Daytime Phone: 212.565.2682 or 917.860.1310 or Chris Russell: (712)314-1528

Address: 76 Ninth Avenue, 6th Fl, New York, NY 10011 or 1430 Veteran's Memorial Highway, Council Bluffs, Iowa

Signature of applicant or representative



Phone number if different from above